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Senior Citizen Mobile Home Park

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

URSULA LICHTENSTEIN,

Debtor.

URSULA LICHTENSTEIN,

Plaintiff,

v.

SUSAN BROWNE, an individual, and
CHARLES M. MCKINNON, JR. an
individual,

Defendants.

Case No.: 25-10340-nmc
Chapter 13

Adversary Case No. 25-01110-nmc

**REPLY IN SUPPORT OF EMERGENCY
MOTION TO**

- 1. INTERVENE IN THE
ADVERSARY PROCEEDING AS
A PLAINTIFF**
- 2. FOR EX PARTE PRE-
JUDGMENT WRIT OF
ATTACHMENT AGAINST
MANUFACTURED HOME
WITHOUT NOTICE OR
HEARING PURSUANT TO NRS
31.017**

ON AN ORDER SHORTENING TIME

Debtor Ursula Lichtenstein (the “Debtor” or “Lichtenstein”) opposes the motion to
intervene and for a pre-judgment writ of attachment based in part on irrelevant claims of

1 violating the stay, erroneous argument that there is no standing, and equally erroneous argument
2 that Jaycees does not meet the requirements of B.R. 2024 and F.R.C. P. 24.

3 Plaintiff makes unsupported arguments of violations of the stay that, if they have any
4 basis at all, will be addressed in other matters. However, any claims have no bearing on whether
5 Jaycees is entitled to intervene here. Indeed, most of the issues in this bankruptcy have come
6 down to shenanigans relating to the title and ownership of the manufactured home, which has
7 made it difficult for Jaycees to ensure its rights and interests are protected.
8

9 To make matters worse and add additional wrinkle that Jaycees was not aware of when it
10 filed its motion is the daughter, Susan Browne, has now moved to dismiss the adversary
11 complaint, claiming that the Debtor was never an owner of the manufactured home because
12 Browne had purchased it. According to Browne, Lichtenstein was only on title to meet the
13 requirements of the lease with Jaycees, which requires the resident to be either the “sole owner”
14 or “co-owner” of the home be qualified to rent a space in the park. *See* Motion to Dismiss, Doc.
15 8, at p. 2.
16

17 Based on the position Browne is taking, there are two potential ways this case could end
18 if Jaycees is not allowed to intervene. First, Lichtenstein could prevail in asserting that her
19 signing title over to her daughter in December 2024 was a “mistake” that was inadvertently done
20 and resulted in a “fraud,” as unclear as it is as to whom was defrauded, and the manufactured
21 home comes back into the estate where this Court will determine whether any exemption applies.
22 Or Second (and more troubling for Jaycees), the Court finds that Browne’s position is correct,
23 and Browne keeps the home outside of the estate despite Lichtenstein transferring her ownership
24 interest from the title only days after learning that that an eviction judgment would be entered
25 against her. Should this second scenario occur without allowing Jaycees to intervene, Jaycees
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1 will have lost its ability to protect its right and interest in pursuing a claim against Browne and
2 the home for a fraudulent transfer. Indeed, there are two potential frauds – fraud on Jaycees by
3 asserting Lichtenstein was a co-owner in the home when she was not or a fraudulent transfer of
4 Lichtenstein’s interest after Lichtenstein became aware that an eviction and judgment would be
5 entered against her. If Browne retains title without allowing Jaycees to intervene, Jaycees may
6 lose its ability to protect its rights to recover against the manufactured home as allowed by state
7 law.
8

9 Finally, Browne’s motion dismiss confirms Jaycees legitimate concern that the
10 manufactured home is set to be sold, which means the asset could be lost to both the estate and to
11 Jaycees. Unlike Jaycees though who has no relationship with Brown, Lichtenstein and Browne
12 are mother/daughter. Despite Lichtenstein’s adverse stance to her daughter on the pleadings in
13 this adversary, Lichtenstein’s lackadaisical approach to the adversary proceeding suggests the
14 potential that she will be perfectly happy with Browne taking the home, selling it to a bonafide
15 purchaser, and absconding with the proceeds only to share those with Lichtenstein under the
16 table, leaving Jaycees, the largest creditor by far, a victim of fraud.
17

18 **1. Jaycees’ has standing to intervene so long as they meet the requirements**
19 **of FRCP 24.**

20 Lichtenstein provides no authority that precludes Jaycees from intervening so long as
21 Jaycees meets the requirements of FRCP 24. Indeed, Lichtenstein erroneously suggests that
22 because Jaycees is a creditor, Jaycees cannot intervene. This is not the case. Jaycees is not arguing
23 that its status as a creditor automatically gives Jaycees a right to intervene in any adversary.
24 Jaycees contends that it should be allowed to intervene as a matter of right under FRCP 24(a) or,
25 at the very least, permissive intervention under FRCP 24(b). Lichtenstein has not provided any
26 authority to suggest that a creditor simply has no standing to ever intervene. Indeed, the case law
27

1 is clear that the standard for intervention is exactly the same as under the federal rules. *In re*
2 *Sundquist*, 570 B.R. 92, 96 (Bankr. E.D. Cal. 2017) (citing *Bustos v. Molasky*, 843 F.3d 1179, 1184
3 n.4 (9th Cir. 2016)). There is no law that automatically precludes creditors seeking to intervene
4 just because they are a creditor in a Chapter 13 case. The only case Lichtenstein presents is a case
5 where the creditor sought to bring the adversary action that had not already been brought, not
6 intervene in an action that was already commenced. See *In re Demeza*, 582 B.R. 868, 876-77.
7 Such a case has no application here where Jaycees is not seeking to commence an adversary action,
8 just intervening to protect its interests in an adversary already commenced.
9

10 **2. Jaycees meets the requirements of FRCP 24.**

11 Debtor concedes that Jaycees meets the first two elements for intervention as a matter of
12 right under FRCP 24(a) but argues that the last two elements are not met. Debtor does not argue
13 that Jaycees' motion is not timely. Debtor cannot in good faith argue that Jaycees has no
14 protectable interest in the property under state law. Indeed, the facts here are a classic fraudulent
15 transfer situation where Jaycees was about to obtain a judgment against the Debtor when Debtor
16 transferred ownership to her daughter without any evidence of consideration of value for the
17 transfer. Jaycees clearly has protectible interests under Nevada law. Debtor argues that because
18 the \$31,000+ judgment is unsecured, Jaycees cannot claim that being unable to pursue the
19 judgment against the manufactured home does not impede or impair Jaycees' interests. This
20 argument is not accurate. While it may be accurate if Lichtenstein is successful in recovering the
21 manufactured home and it remains in the estate. Under that circumstance, Debtor may be correct
22 that that Jaycees had all protection entitled to. However, in the event that the Debtor is not
23 successful in bringing the manufactured home back into the estate. Specifically, in the case that
24 the Debtor does not convince that Court that its transfer of the manufactured home was an
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1 inadvertent mistake and not a voluntary transfer, then the property remains Browne's title and
2 Jaycees could lose its rights under state law to pursue a fraudulent transfer claim that would have
3 been available.

4 Indeed, without granting Jaycees the right to intervene and protect its interests, there is a
5 real risk that Lichtenstein and Brown would exert both fraud on Jaycees and this Court.

6
7 **3. Jaycees' is entitled to a pre-judgment of attachment to preserve the**
8 **status quo so this issue can be litigated.**

9 The Court can issue a pre-judgment writ of attachment to preserve the status quo while this
10 case moves forward. Jaycees understands that the writ of attachment will not mean much if Debtor
11 prevails and the manufactured home becomes a part of the estate. However, the facts and
12 allegations being raised between Browne and Lichtenstein do not guarantee that Lichtenstein will
13 prevail and Jaycees has no ability to protect its rights to recover its judgment against the
14 manufactured home in light of the real possibility that Browne keeps title to the home and/or sells
15 the home. What is more troubling is the Debtor not doing anything to keep the manufactured home
16 from being sold, which would leave everyone without any remedies against the home. At the very
17 least, the Court should grant Jaycees motion to intervene and issue some sort of preliminary
18 injunction or other order that either keeps the manufactured home from being sold or requires
19 Browne to maintain the proceeds from any sale until the adversary proceeding is decided.
20 Lichtenstein's opposition to some remedy that would maintain the status quo is questionable.
21 Lichtenstein should be as interested as Jaycees, if not more interested, in obtaining some pre-
22 judgment remedy that would keep the manufactured home from being lost to the estate. She is
23 not. She seems content to lose the home to a sale.

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4. Conclusion

Jaycees has demonstrated that the Court should allow it to intervene under either FRCP 24(a) or FRCP 24(b). The fact that Jaycees is a creditor does not disqualify Jaycees from intervening under FRCP 24. Jaycees has met the requirements of intervention under FRCP 24. Jaycees should be able to intervene and seek to protect its state law rights to collect against the property based on the fraudulent transfer.

Dated this 12th day of May 2025.

HUTCHISON & STEFFEN, LLC

/s/ *Jeffrey R. Hall*

By: _____

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 12th day of May, 2025, a copy of the following document entitled: ***REPLY IN SUPPORT OF EMERGENCY MOTION TO (1) INTERVENE IN ADVERSARY PROCEEDING AS A PLAINTIFF AND (2) FOR EX PARTE PRE-JUDGMENT WRIT OF ATTACHMENT AGAINST MANUFACTURED HOME WITHOUT NOTICE OR HEARING PURSUANT TO NRS 31.017 ON AN ORDER SHORTENING TIME*** was served by Personally transmitting a copy of same via the Court's CM/ECF Internet system to their respective registered email site.

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